

South Australia

National Parks and Wildlife (Breakaways Conservation Park—Mining Rights) Proclamation 2013

under section 43 of the *National Parks and Wildlife Act 1972*

Preamble

- 1 The Aboriginal-owned land described in Schedule 1 is, by another proclamation made on this day, constituted as a conservation park under section 30(1) of the *National Parks and Wildlife Act 1972* and assigned the name *Breakaways Conservation Park*.
- 2 It is intended that, by this proclamation, the following existing rights of entry, prospecting, exploration or mining be preserved in relation to the land constituting the conservation park:
 - (a) mining lease EML5725 under the *Mining Act 1971*;
 - (b) petroleum exploration licence PEL118 under the *Petroleum and Geothermal Energy Act 2000*.
- 3 It is further intended that the exercise of the rights referred to in clause 2(b) be largely restricted to the land that lies below the surface of the park, with no work permitted on the park surface and any necessary subsurface exploration or access undertaken in a manner (for example from adjoining land) that does not require such work.

1—Short title

This proclamation may be cited as the *National Parks and Wildlife (Breakaways Conservation Park—Mining Rights) Proclamation 2013*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Interpretation

In this proclamation—

Environment Minister means the Minister for the time being administering the *National Parks and Wildlife Act 1972*;

Mining Minister means the Minister for the time being administering the *Mining Act 1971* or the Minister for the time being administering the *Petroleum and Geothermal Energy Act 2000*, as the case requires.

4—Existing rights to continue

- (1) Subject to clause 5, rights of entry, prospecting, exploration or mining under the *Mining Act 1971* existing immediately before the commencement of this proclamation pursuant to the mining lease referred to in clause 2(a) of the preamble may continue to be exercised under the *Mining Act 1971* in respect of the land described in Schedule 1.
- (2) Subject to clause 6, rights of entry, prospecting, exploration or mining under the *Petroleum and Geothermal Energy Act 2000* existing immediately before the commencement of this proclamation pursuant to the exploration licence referred to in clause 2(b) of the preamble may continue to be exercised under the *Petroleum and Geothermal Energy Act 2000* in respect of the land described in Schedule 1.

5—Conditions for exercise of rights under *Mining Act 1971*

A person in whom rights of entry, prospecting, exploration or mining under the *Mining Act 1971* are vested pursuant to the mining lease referred to in clause 2(a) of the preamble must not exercise those rights in respect of the land described in Schedule 1 unless the person complies with the following conditions:

- (a) if work to be carried out in relation to the land in the exercise of those rights has not previously been authorised, the person must give at least 3 months notice of the proposed work to the Mining Minister and the Environment Minister and must supply each Minister with such information relating to the proposed work as the Minister may require;
- (b) if directions are agreed between the Mining Minister and the Environment Minister and given to the person in writing in relation to—
 - (i) carrying out work in relation to the land in a manner that minimises damage to the land (including the land's vegetation and wildlife) and the environment generally; or
 - (ii) preserving objects, structures or sites of historical, scientific or cultural interest; or
 - (iii) rehabilitating the land (including the land's vegetation and wildlife) on completion of the work; or
 - (iv) prohibiting or restricting access to any specified part of the land that the Ministers believe would suffer significant detriment as a result of carrying out the work,

the person must comply with those directions in carrying out the work;

- (c) if a plan of management is in operation under section 38 of the *National Parks and Wildlife Act 1972* in respect of the land, the person must have regard to the provisions of the plan of management;
- (d) in addition to complying with the other requirements of this proclamation, the person—
 - (i) must take such steps as are reasonably necessary to ensure that objects, structures and sites of historical, scientific or cultural interest and the land's vegetation and wildlife are not unduly affected by any work; and
 - (ii) must maintain all work areas in a clean and tidy condition; and

- (iii) must, on the completion of any work, obliterate or remove all installations and structures (other than installations and structures designated by the Mining Minister and the Environment Minister as suitable for retention) used exclusively for the purposes of that work;
- (e) if no direction has been given by the Mining Minister and the Environment Minister under paragraph (b)(iii), the person must rehabilitate the land (including its vegetation and wildlife) on completion of any work to the satisfaction of the Environment Minister.

6—Conditions for exercise of rights under *Petroleum and Geothermal Energy Act 2000*

A person in whom rights of entry, prospecting, exploration or mining under the *Petroleum and Geothermal Energy Act 2000* are vested pursuant to the exploration licence referred to in clause 2(b) of the preamble must not exercise those rights in respect of the land described in Schedule 1 unless the person complies with the following conditions:

- (a) no work may be carried out on the surface of the land, and no vehicle may be driven on the surface of the land other than on existing roads or tracks, in the exercise of those rights;
- (b) if work to be carried out in relation to the land in the exercise of those rights is a regulated activity within the meaning of the *Petroleum and Geothermal Energy Act 2000*, the person must ensure that—
 - (i) the work is not carried out until a statement of environmental objectives in relation to the activity that has been approved under that Act has also been approved by the Environment Minister; and
 - (ii) the work is carried out in accordance with the statement as so approved;
- (c) if any work to be carried out in relation to the land in the exercise of those rights has not previously been authorised (whether by inclusion in an approved statement of environmental objectives referred to in paragraph (b) or otherwise), the person must give at least 3 months notice of that proposed work to the Mining Minister and the Environment Minister and supply each Minister with such information in relation to the proposed work as the Minister may require;
- (d) if directions are agreed between the Mining Minister and the Environment Minister and given to the person in writing in relation to—
 - (i) carrying out work in relation to the land in a manner that minimises damage to the land (including the land's vegetation and wildlife) and the environment generally; or
 - (ii) preserving objects, structures or sites of historical, scientific or cultural interest; or
 - (iii) rehabilitating the land (including the land's vegetation and wildlife) on completion of the work; or

- (iv) prohibiting or restricting access to any specified part of the land that the Ministers believe would suffer significant detriment as a result of carrying out the work,

(being directions that do not reduce or otherwise detract from any requirement in respect of any of those matters contained in an approved statement of environmental objectives referred to in paragraph (b)), the person must comply with those directions in carrying out the work;
- (e) if a plan of management is in operation under section 38 of the *National Parks and Wildlife Act 1972* in respect of the land, the person must have regard to the provisions of the plan of management;
- (f) in addition to complying with the other requirements of this proclamation, the person—
 - (i) must take such steps as are reasonably necessary to ensure that objects, structures and sites of historical, scientific or cultural interest and the land's vegetation and wildlife are not unduly affected by any work; and
 - (ii) must, upon the completion of any work, obliterate or remove all installations and structures (other than installations and structures designated by the Mining Minister and the Environment Minister as suitable for retention) used exclusively for the purposes of that work;
- (g) if no direction has been given by the Mining Minister and the Environment Minister under paragraph (d)(iii), the person must (in addition to complying with any approved statement of environmental objectives referred to in paragraph (b)) rehabilitate the land (including its vegetation and wildlife) on completion of the work to the satisfaction of the Environment Minister.

7—Governor may give approvals, directions

If—

- (a) the Mining Minister and the Environment Minister cannot agree as to whether a direction should be given under clause 5(b) or 6(d); or
- (b) the Environment Minister does not approve a statement of environmental objectives under clause 6(b),

the Governor may, with the advice and consent of the Executive Council—

- (c) give a direction in writing under clause 5(b) or 6(d); or
- (d) grant or refuse the necessary approval under clause 6(b).

Schedule 1—Description of land

Allotment 21 in Deposited Plan 89679, Out of Hundreds (Murloocoppie).

Made by the Governor

with the advice and consent of the Executive Council
on 4 July 2013

13MSECCS025